

REMARKS:

In the outstanding Office Action, the Examiner rejected claims 1-10 and 17-25. Claims 1, 17-19 and 21-25 are amended herein. No new matter is presented. Claims 11-16 remain cancelled. Thus, claims 1-10 and 17-25 are pending and under consideration. The rejections are traversed below.

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Applicants would like to thank Examiner Zimmerman for taking the time to discuss this application. During the discussion with Examiner Zimmerman, it was pointed out that an Interview was conducted with then Examiner assigned to the present application prior to filing the Amendment of April 8, 2008. Then, an Office Action dated June 19, 2008 was mailed essentially repeating the rejections in the December 13, 2007 Office Action which the Applicants believe were resolved in light of the Amendment filed April 8, 2008.

Review of the Patent Application Information Retrieval (PAIR) system of the U.S. Patent Office indicates yet another Examiner who is now assigned to this application. Based on a telephone conversation with Examiner Zimmerman, the current Examiner of this application, an Interview is scheduled for October 22, 2008. However, a Response is submitted herewith to avoid from further delaying prosecution. Should any amendments be agreed on during the Interview with Examiner Zimmerman, Applicants will submit such amendments in a Supplemental Amendment.

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REJECTION UNDER 35 U.S.C. § 103(a):

Claims 1-10 and 17-25 remain rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0002502 (Maes) in view of U.S. Patent Application Publication No. 2003/0061211 (Shultz).

The claimed invention includes "article data having features extracted from an article picture", "an order in which said article picture is to be sent" and "display positions of search resultant article pictures on a screen of the user terminal... independent of the data sending rank", as recited for example in claim 1. See claims 17, 19 and 21-25 reciting similar features.

Maes and Shultz, alone or in combination, do not teach or suggest the above-identified features of the claimed invention.

Instead, Maes calculates similarity between an article specified in a query by a user and search results and arranges the search results in a decreasing order of similarity to the article specified by the user (see, paragraphs 27 and 62). That is, Maes only provides products with similar attribute value after the user make a selection.

The Examiner appears to rely on Shultz as teaching determining "similarities of resultant article pictures", "data sending rank" and displaying in accordance with "the article picture arrangement data", as taught by the claimed invention. However, Shultz is limited to sorting only based on criteria retrieved from the database such as location, advertising information and business information (see, paragraph 60).

There is no teaching in Shultz regarding the claimed order for "sending" the results of the search and another order for "displaying" pictures contained in the results, as taught by the claimed invention.

It is therefore respectfully submitted that the independent claims are patentably distinguishable over Maes and Shultz. Claims depending from the independent claims include all of the features of that claim plus additional features which are not disclosed by Maes and Shultz. For at least these reasons, claims depending from independent claims are patentably distinguishable over Maes and Shultz.

Therefore, withdrawal of the rejection is respectfully requested.

CONCLUSION:


There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters. If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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